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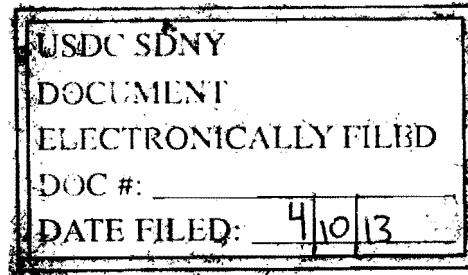
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April 9, 2013

Via Fax (212) 805-6382

Hon. Victor Marrero
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 660
New York, NY 10007-1312

Re: ***United States v. Rubin et al.***
S1 09 Cr. 1058 (VM)

Dear Judge Marrero:

I write as counsel to David Rubin in the above-captioned matter.

By way of background, Mr. Rubin voluntarily surrendered for presentment on November 6, 2009, before the Honorable Theodore H. Katz, U.S.M.J., in the Southern District of New York. Judge Katz released Mr. Rubin on a \$5 million Personal Recognizance Bond (hereafter the "Bond") secured by \$250,000 cash and equity in the Rubin family home located at 100 S. June Street, Los Angeles, California (hereafter the "June Street Property.")

In early 2012, Mr. Rubin entered into a plea agreement with the government. (Dkt. No. 378). On July 15, 2012, Mr. Rubin entered into an Amended Plea Agreement pursuant to which Mr. Rubin agreed to cooperate with the government in the investigations and prosecutions of other individuals. (See Dkt. No. 401). Mr. Rubin also voluntarily agreed to restrain approximately \$3 million in assets, which included funds contained in a Merrill Lynch Wealth Management Account (hereafter the "ML Account") and a 401(K) retirement account. The

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Court ordered restraint of those assets by Order dated July 16, 2012 (hereafter the "Restraining Order"). (Dkt. No. 402).

Since executing the Amended Plea Agreement and issuance of the Restraining Order, Mr. Rubin has met all of his obligations to the government, which have included supplying documents and other information at the government's request, meeting with attorneys and investigators for the Antitrust Division and other agencies on multiple occasions, and giving testimony as a witness over two days in the matter of the *United States v. Peter Ghavami et al.*, (10cr1217 (KMW)). Mr. Rubin's cooperation is ongoing.

We write to request that the Court modify the Bond by extinguishing the requirement that it be secured by \$250,000 cash. When the Bond was posted in 2009, there was a first mortgage on the June Street Property in favor of City National Bank and the home was valued at approximately \$5.2 million. The only other lien on the property since that time has been the Bond. The mortgage to City National Bank was fully satisfied in 2012 and, therefore, the Bond now remains the only lien on the June Street Property¹.

Thus, the circumstances have changed since the bail conditions were originally set. In particular, Mr. Rubin has proven that he is not a significant flight risk. Indeed, he has accepted full responsibility for his actions and has been actively cooperating with the government. Most importantly, there is no longer a lien on the June Street Property and the Bond is now fully secured by the equity in the home. We do not seek a reduction of the bail; only that it be modified such that it no longer needs to be secured by the \$250,000 cash. Mr. Rubin presently needs this money to satisfy certain financial obligations.

I have discussed this issue with DOJ Antitrust Attorney Rebecca Meiklejohn, who informs me that she has no objection to this request.

I have attached a proposed Order for the Court's convenience. Thank you for your attention to this matter.

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by	
<i>Defendant David Rubin</i>	
SO ORDERED.	
<i>4-9-13</i>	<i>[Signature]</i>
DATE	VICTOR MARRERO, U.S.D.J.

Respectfully Submitted,

[Signature]
Kenneth C. Murphy

cc: Rebecca Meiklejohn, Esq. (By email)
Enc.

¹ I have provided the government with proof that the mortgage was satisfied.